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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,686	03/30/2001	Thomas N. Turba	#RA 5362 (33012/309/101)	9229

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EXAMINER

NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,686

Applicant(s)

TURBA ET AL.

Examiner

Merilyn P Nguyen

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed action*.

DETAILED ACTION

1. In response to the communication dated 03/22/2004, claims 1-20 are pending in this office action.

The terminal disclaimer filed March 22, 2004 has been acknowledged. Consequently, rejections of claims 1-20 under provisional double patenting rejection are withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beall (US 6,169,992).

Regarding claim 1, Beall discloses in a data processing system (Figs. 1-3) having a user terminal (Client Computer 4018) operated by a user which builds a service for accessing a data base management system (Fig. 27-31, and col. 36, line 64 to col. 37, line 35) responsively coupled to said user terminal via a publicly accessible digital data communication network (Col. 3, line 20 to Col. 4, line 27), the improvement comprising:

a data wizard (Figures 27-31) which permits said user to specify said service as a plurality of discrete and independent steps (Col. 30, line 1 to Col. 31, line 11).

Regarding claim 6, Beall discloses apparatus comprising:

- a. a user terminal (Client Computer 4018, Fig. 3);
- b. a data base management system responsively coupled to said user terminal via a publicly accessible digital data communication network (Col. 3, line 20 to Col. 4, line 27); and
- c. a data wizard (Figures 27-31) responsively coupled to said user terminal and said data base management system which permits a service to be defined from said user terminal in accordance with a plurality of discrete and independent steps (Col. 30, line 1 to Col. 31, line 11).

Regarding claim 11, Beall discloses a method of dynamically building a service (Figs. 27-31, Beall at el.) from a user terminal (Client Computer 4018, Fig. 3, Beall at el.) coupled via a publicly accessible digital data network (Internet 5124, Fig. 3, Beall at el.) to a remote data base management system (787, Fig. 43, col. 36, line 64 to col. 37, line 35, Beall at el.) having a component building process (Figs. 1-3, and Col. 3, line 20 to Col. 4, line 27, Beall at el.) Beall teaches an ordered sequence of steps at Fig. 27 through Fig. 31. Beall presents plurality of potential steps within each of the ordered sequence of steps as example of Fig. 30, wherein there are steps of "select the knowledge base" and "select the class". After chosen the desired knowledge base and class, the user click "next" to proceed next one of the order sequence of steps (Fig. 31, Beall at el.). This process repeats until user clicks "Finish" to complete the service.

Regarding claim 16, Beall discloses an apparatus comprising Client Firewall 5125 for permitting a user to access Internet 5124 (Fig. 5), so that data base management services is provided such as service for accessing a data base management system (Col. 3, line 20 to Col. 4, line 27). Designing a service (query building) through specification of an ordered plurality of discrete and independent steps and presenting a plurality of valid potential steps for selection of each of said ordered plurality of discrete and independent steps are addressed in the analysis following: Beall teaches an ordered sequence of steps at Fig. 27 through Fig. 31. Beall presents plurality of potential steps within each of the ordered sequence of steps as example of Fig. 30, wherein there are steps of “select the knowledge base” and “select the class”. After chosen the desired knowledge base and class, the user click “next” to proceed next one of the order sequence of steps (Fig. 31, Beall at el.). This process repeats until user clicks “Finish” to complete the service.

Regarding claims 2, 7 and 18, Beall discloses said publically accessible digital data communication network further comprises the Internet (Internet 5124, Fig. 3, Beall at el.).

Regarding claims 3, 9, 13-14 and 20, Beall discloses said user terminal further comprises an industry compatible personal computer (Client Computer 4018, Fig. 3, Beall at el.) having a commercially available browser (WWW Browser 4014, Fig. 3, Beall at el.).

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Regarding claims 4, 8, and 17, Beall discloses said data wizard permits said user to define and edit each step in said plurality of steps independently of each of the other steps in said plurality of steps (See col. 30, line 1 to col. 31, line 11).

Regarding claim 5, 10, 15, and 19, Beall discloses a commercial data base management system (See col. 3, lines 31-59, Beall at el.).

Regarding claim 12, Beall further discloses editing said first discrete and independent step without modification to said second discrete and independent step (See col. 30, line 1 to col. 31, line 11).

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been fully considered but they are considered moot in view of the new grounds of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 703-305-5177.

The examiner can normally be reached on M-F: 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MN
April 21, 2004



UYEN LE
PRIMARY EXAMINER
AU 2171